

PATENT
Our Docket: P-LX 5193

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue of)
U.S. Patent No. 6,024,919)
Issued: February 15, 2000)
Serial No. (not yet assigned))
Filed: February 14, 2002)
Inventors: Nelson et al.)
Entitled: SONIC TREATMENT TO)
SELECTIVELY REDUCE)
THE VOID VOLUME OF)
SINTERED POLYMERS)
_____)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857042937 US

DATE OF DEPOSIT: February 14, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS, ATTENTION
BOX REISSUE, WASHINGTON, D.C. 20231.

Calvin Fan

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee

BOX REISSUE
Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT IN REISSUE APPLICATION
under 37 C.F.R. § 1.173(b)

The Patentee respectfully requests entry of the
following amendment and consideration of the accompanying
remarks.

For the Examiner's convenience, all pending claims are
shown in attached Appendix A, formatted by dependency.

Reissue of U.S. Patent No. 6,024,919
Inventors: Nelson et al.
Serial No. (not yet assigned)
Filed: February 14, 2002
Page 2

I. AMENDMENT

Please amend the claims as follows:

1. (amended) An article of manufacture for receiving a liquid sample, comprising a solid having a window and a sintered polymer, wherein a [first] **second** portion of the polymer overlies the window and a [second] **first** portion of the polymer overlies the surface of the solid without the window; and wherein the polymer is sonically treated; whereby the void volume in the first portion is less than the void volume in the second portion.

Please add the following new claims:

14. The method of claim **13**, wherein the article further comprises a means for adhering the sintered polymer to the solid.

15. The method of claim **13**, wherein the liquid sample is selected from the group consisting of blood, serum, plasma, sweat, tears, saliva, semen, cerebrospinal fluid, sputum, urine and cervical mucus or swabbings.

16. The method of claim **15**, wherein the liquid sample is blood.

Reissue of U.S. Patent No. 6,024,919
Inventors: Nelson et al.
Serial No. (not yet assigned)
Filed: February 14, 2002
Page 3

17. The method of claim **13**, wherein the surface of the sintered polymer is hydrophilic.

18. The method of claim **13**, wherein the sintered polymer further comprises a coating of detergent.

19. The method of claim **18**, wherein the sintered polymer further comprises a coagulant.

20. The method of claim **13**, wherein the article further comprises a means for reacting with a liquid sample.

21. The method of claim **20**, wherein the reacting means is positioned between the sintered polymer and the window of the solid.

22. The method of claim **20**, wherein the means for reacting is a reaction layer.

23. The method of claim **22**, wherein the reaction layer comprises a reagent that reacts with glucose.

24. The method of claim **23**, wherein the reagent is N-ethyl-N-2-hydroxy-3-sulfopropyl-3,5-dimethylaniline (MAOS).

II. REMARKS

A. Regarding the Amendment

Claim 1 has been amended to correct a typographical error made in good faith and without deceptive intent. When claim 1 was originally presented, the terms "first portion" and "second portion" were inadvertently reversed. The amendment corrects the reversed terms. Support for the correction can be found in the specification of the patent, which explains that

Whether the sintered polymer is immobilized during sonic treatment can also be used to control the reduction of void volume for one portion of the polymer compared to another portion. For example, a **first portion** of the sintered polymer can be **immobilized against a solid** during sonic treatment, while a **second portion is not**. As a result, the **void volume in the first portion becomes less than in the second portion**.

Col. 6, lines 36 to 42 (emphasis added). The properties of the two portions can be summarized as follows:

<i>portion</i>	<i>first</i>	<i>second</i>
as in Figure 3b	1a	1b
overlies window (4b)	no	yes
immobilized	yes	no
relative void volume	less	more

Reissue of U.S. Patent No. 6,024,919
Inventors: Nelson et al.
Serial No. (not yet assigned)
Filed: February 14, 2002
Page 5

The Patentee submits that correction of this error does not add new matter and does not seek to enlarge the scope of the claims. The Patentee also notes that a similar exchange of terms was undertaken during prosecution of the original application in the Response to Restriction Requirement of June 11, 1999.

New claims 14 to 24 have been added to provide a range of dependent claims to base method claim 13 that correspond to the dependent claims of claim 1. As such, they do not add new matter. Moreover, being dependent claims, they do not enlarge the scope of the claims.

B. Status of the claims

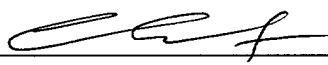
After entry of the amendment, claims 1 to 13 and new claims 14 to 24 will be pending in this application.

The Examiner is invited to contact Cathryn Campbell or the undersigned attorney with any questions at (858) 535-9001.

Respectfully submitted,

February 14, 2002

Date



Calvin A. Fan
Registration No. 38,444
Telephone No. (858) 535-9001
Facsimile No. (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
USPTO Customer No. 23601

Appendix A: Pending claims after entry of the Amendment

1. (amended) An article of manufacture for receiving a liquid sample, comprising a solid having a window and a sintered polymer, wherein a [first] second portion of the polymer overlies the window and a [second] first portion of the polymer overlies the surface of the solid without the window; and wherein the polymer is sonically treated; whereby the void volume in the first portion is less than the void volume in the second portion.
2. The article of claim 1, further comprising a means for adhering the sintered polymer to the solid.
3. The article of claim 1, wherein the liquid sample is selected from the group consisting of blood, serum, plasma, sweat, tears, saliva, semen, cerebrospinal fluid, sputum, urine and cervical mucus or swabbings.
4. The article of claim 3, wherein the liquid sample is blood.
5. The article of claim 1, wherein the surface of the sintered polymer is hydrophilic.
6. The article of claim 1, wherein the sintered polymer further comprises a coating of detergent.
7. The article of claim 6, wherein the sintered polymer further comprises a coagulant.
8. The article of claim 1, further comprising a means for reacting with a liquid sample.
9. The article of claim 8, wherein the reacting means is positioned between the sintered polymer and the window of the solid.
10. The article of claim 8, wherein the means for reacting is a reaction layer.
11. The article of claim 10, wherein the reaction layer comprises a reagent that reacts with glucose.
12. The article of claim 11, wherein the reagent is N-ethyl-N-2-hydroxy-3-sulfopropyl-3,5-dimethylaniline (MAOS).

13. A method for receiving a liquid sample, comprising the steps of applying a liquid sample to an article of claim **1** on the side of the sintered polymer opposite the window and allowing the sample to migrate toward the window, whereby the sample does not migrate away from the window due to the reduced void volume in the first portion.
14. (new) The method of claim **13**, wherein the article further comprises a means for adhering the sintered polymer to the solid.
15. (new) The method of claim **13**, wherein the liquid sample is selected from the group consisting of blood, serum, plasma, sweat, tears, saliva, semen, cerebrospinal fluid, sputum, urine and cervical mucus or swabbings.
16. (new) The method of claim **15**, wherein the liquid sample is blood.
17. (new) The method of claim **13**, wherein the surface of the sintered polymer is hydrophilic.
18. (new) The method of claim **13**, wherein the sintered polymer further comprises a coating of detergent.
19. (new) The method of claim **18**, wherein the sintered polymer further comprises a coagulant.
20. (new) The method of claim **13**, wherein the article further comprises a means for reacting with a liquid sample.
21. (new) The method of claim **20**, wherein the reacting means is positioned between the sintered polymer and the window of the solid.
22. (new) The method of claim **20**, wherein the means for reacting is a reaction layer.
23. (new) The method of claim **22**, wherein the reaction layer comprises a reagent that reacts with glucose.
24. (new) The method of claim **23**, wherein the reagent is N-ethyl-N-2-hydroxy-3-sulfopropyl-3,5-dimethylaniline (MAOS).

PATENT
Our Docket: P-LX 5193

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue of)
U.S. Patent No. 6,024,919)
Issued: February 15, 2000)
Serial No. (not yet assigned))
Filed: February 14, 2002)
Inventors: Nelson et al.)
Entitled: SONIC TREATMENT TO)
SELECTIVELY REDUCE)
THE VOID VOLUME OF)
SINTERED POLYMERS)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857042937 US

DATE OF DEPOSIT: February 14, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO THE COMMISSIONER FOR PATENTS, ATTENTION
BOX REISSUE, WASHINGTON, D.C. 20231.

Calvin Fan

Printed Name of Person Mailing Paper or Fee

[Signature]

Signature of Person Mailing Paper or Fee

BOX REISSUE
Commissioner for Patents
Washington, D.C. 20231

Sir:

STATEMENT OF STATUS AND SUPPORT

for all changes to the claims under 37 C.F.R. § 1.173(c)

After entry of the Preliminary Amendment filed
herewith, claims 1 to 13 and new claims 14 to 24 will be pending
in this application.

Claim 1 has been amended to correct a typographical
error made in good faith and without deceptive intent. When
claim 1 was originally presented, the terms "first portion" and
"second portion" were inadvertently reversed. The amendment
corrects the reversed terms. Support for the correction can be
found in the specification of the patent, which explains that

Reissue of U.S. Patent No. 6,024,919
Inventors: Nelson et al.
Serial No. (not yet assigned)
Filed: February 14, 2002
Page 2

Whether the sintered polymer is immobilized during sonic treatment can also be used to control the reduction of void volume for one portion of the polymer compared to another portion. For example, a **first portion** of the sintered polymer can be **immobilized against a solid** during sonic treatment, while a **second portion is not**. As a result, the **void volume in the first portion becomes less than in the second portion**.

Col. 6, lines 36 to 42 (emphasis added). The properties of the two portions can be summarized as follows:

<i>portion</i>	<i>first</i>	<i>second</i>
as in Figure 3b	1a	1b
overlies window (4b)	no	yes
immobilized	yes	no
relative void volume	less	more

The Patentee submits that correction of this error does not add new matter and does not seek to enlarge the scope of the claims. The Patentee also notes that a similar exchange of terms was undertaken during prosecution of the original application in the Response to Restriction Requirement of June 11, 1999.

New claims 14 to 24 have been added to provide a range of dependent claims to base method claim 13 that correspond to the dependent claims of claim 1. As such, they do not add new matter. Moreover, being dependent claims, they do not enlarge the scope of the claims.


Reissue of U.S. Patent No. 6,024,919
Inventors: Nelson et al.
Serial No. (not yet assigned)
Filed: February 14, 2002
Page 3

The Examiner is invited to contact Cathryn Campbell or
the undersigned attorney with any questions at (858) 535-9001.

Respectfully submitted,

February 14, 2002

Date



Calvin A. Fan

Registration No. 38,444

Telephone No. (858) 535-9001

Facsimile No. (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
USPTO Customer No. 23601

20070214 14:00:00